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Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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The meeting was called to order at 10.15 a.m.

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/55/177, 213 and Add.1, 214 and Add.1, 275 and Add.1, 279, 280 and Add.1 and 2, 283, 288, 289, 291, 292, 296 and Add.1, 302, 306, 328, 342, 360, A/55/395-S/2000/880, A/55/404-S/2000/889 and A/55/408; A/C.3/55/2)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/55/269, 282 and Corr.1, 294, 318, 335, 346, 358, 359, 363, 374, 400, 403, 509 and A/55/426-S/2000/913)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/55/36 and A/55/438-S/2000/93)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/55/36)

Situation of human rights in Iraq (*continued*) (A/55/294)

1. **Mr. Hénault** (France), speaking on behalf of the European Union, said that the European Union was following the work of the Special Rapporteur on the situation of human rights in Iraq with great interest and hoped that the latter would soon be invited to make an on-site visit.

2. **Mr. Barsky** (Russian Federation) said that the Secretary-General in his report on the work of the Organization (A/55/1), had noted that the people of Iraq continued to suffer from the effects of sanctions. It would be useful if the Special Rapporteur could include details of the deaths and diseases that had occurred, particularly among women and children. Such statistics would permit a more informed idea of the humanitarian situation in Iraq.

3. **Mr. Al-Saidi** (Kuwait) said that Kuwait attached great importance to the question of Kuwaiti prisoners of war, detainees and missing persons. Some 600 Kuwaiti men and women were still missing or being held in Iraqi prisons, as amply documented by the official files which Iraq had submitted to the International Committee of the Red Cross (ICRC). Iraq should cooperate with ICRC and the Special Rapporteur to resolve that humanitarian problem, releasing the detainees without delay and without seeking to exploit the problem for the purposes of political blackmail.

4. Iraq's participation in the Tripartite Commission and the Technical Subcommittee was a moral and legal obligation binding on it by virtue, inter alia, of its signing of the Riyadh Agreement. The participation of allied States in those bodies was needed for a number of reasons. The members were able to provide the necessary technical assistance and resources to help determine the fate and identify the burial places of the detainees and prisoners. Secondly, Kuwait was convinced that dialogue with Iraq was best conducted under international auspices so as to ensure the latter's compliance with its international obligations.

5. Kuwait had repeatedly asserted its willingness to receive the Special Rapporteur and representatives of ICRC at any time to undertake visits to Kuwaiti prisons throughout the country in order to investigate allegations concerning Iraqi missing persons. Although Iraq had raised the issue a full six years after Kuwait's liberation, Kuwait remained determined to honour its international commitments and to allow any specially constituted international committee wishing to do so to freely inspect its prisons, an offer which Iraq had consistently rejected.

6. Kuwait wanted to know if Iraq was willing to allow the Special Rapporteur and ICRC to carry out in-situ visits aimed at determining the fate of Kuwaiti and non-Kuwaiti detainees and missing persons in accordance with ICRC procedures.

7. **Ms. Hajaji** (Libyan Arab Jamahiriya) expressed the hope that the Special Rapporteur would draw on his considerable experience in the field of human rights to paint a fuller picture in his future reports on the human rights situation in Iraq. It was important to denounce all human rights violations in a spirit of non-selectivity and objectivity.

8. The impression had been given that all the information in the Special Rapporteur's report would be verified once the Iraqi Government had indicated its

willingness to cooperate with the Special Rapporteur, as her delegation hoped it would. Instead, the report had drawn on information from the media and other channels, from the Iraqi political opposition and from neighbouring States. The Libyan Arab Jamahiriya had reservations about using the media as a source for human rights reports submitted to the General Assembly or the Commission on Human Rights. It further objected to the gathering of information from surrounding States which might be hostile to Iraq. The credibility of information provided by the Iraqi political opposition was severely compromised by the fact that material, financial and moral support was being provided to it by forces known to oppose the Iraqi regime. Meetings between opposition figures and foreign representatives were well documented and the millions of dollars pumped into the opposition by outside forces should have caused the Special Rapporteur to question the information provided.

9. The Libyan Arab Jamahiriya had been very optimistic that the Special Rapporteur's appointment would mark a new departure. The previous reports on Iraq had focused on civil and political rights. However, the Libyan Arab Jamahiriya did not feel that civil and political rights differed in importance from social, economic and cultural rights. Even if the parties responsible for violating those sets of rights were different, the emphasis on civil and political rights in the reports could be interpreted as a desire to cover up the violations of economic, social and cultural rights occurring in Iraq.

10. Was the denial of the rights of Iraqi children to life and health anything other than a human rights violation? Did the fact that Iraqi children were being born with deformities as a result of the use of uranium during the Gulf War not constitute a violation of their human rights? What if anything did the Special Rapporteur have to say about the daily bombing of civilian targets in Iraq? Was that not a clear violation of Iraqi sovereignty? And why had the Special Rapporteur focused on the testimony of individuals without making any mention of the broader situation of genocide facing the Iraqi people? The Libyan Arab Jamahiriya was not defending the Iraqi Government, but the silence of the international community in the face of those violations was resounding.

11. There was no difference between rights. Future reports should reflect the entire human rights situation in Iraq and address violations regardless of the perpetrator.

12. At the beginning of the Millennium Summit the Secretary-General had used the phrase "We the peoples", indicating the need to defend the rights of all peoples wherever they lived. That concern had been voiced by a number of United Nations human rights mechanisms, which had drawn attention to the human implications of economic sanctions. The Committee on Economic, Social and Cultural Rights had indicated, in its general comment No. 8 (1997), that the sanctions imposed on Iraq constituted a flagrant violation of human rights. In addition, international criteria for the imposition of sanctions had not been applied to Iraq. In other words, the sanctions against Iraq were not selective.

13. The Libyan Arab Jamahiriya called upon the Government of Iraq to cooperate with the Special Rapporteur to ensure that the next report would adequately reflect all violations in Iraq. Human rights violations were a worldwide phenomenon and there was no place for defending the Governments responsible for them.

14. The Libyan Arab Jamahiriya called upon the Government of Iraq to cooperate with the Tripartite Commission to find a solution to the issue of Kuwaiti detainees and missing persons with a view to restoring normal relations with Kuwait.

15. **Mr. Al-Rubaie** (Iraq) said that his delegation appreciated the Special Rapporteur's reference in his opening statement to the fact that the information in the section on humanitarian issues of his report (A/55/294, paras. 55-63) did not mean that the humanitarian situation in Iraq was deteriorating and that he would review the information in the light of the report of the Secretary-General to the Security Council.

16. **Mr. Mavrommatis** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq) said that he had taken note of all the comments, particularly the remarks of the representative of the Libyan Arab Jamahiriya. With regard to the issue of missing persons, he was already in contact with ICRC in order to follow up the matter.

Situation of human rights in Myanmar (A/55/359)

17. **Mr. Ndiaye** (Director, New York Office, United Nations High Commissioner for Human Rights)

presented a statement prepared by Mr. Lallah, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, on his fifth interim report on Myanmar (A/55/359), since Mr. Lallah was unable to attend the meeting.

18. The report dealt with information collected up to the end of July 2000. Since then there had been further developments. The General Secretary of the National League for Democracy (NLD), Daw Aung San Suu Kyi, had been prevented from attending party meetings outside Yangon and had been held incommunicado at her residence for some days. Other party leaders had been either detained or held incommunicado and the party headquarters had been ransacked.

19. In recent years, the policy of the military authorities continued to favour the repression of all political activity over engagement in a genuine political dialogue. Such a policy inherently violated some fundamental freedoms.

20. A few weeks previously, the United Nations Working Group on Arbitrary Detention had concluded that James Mawdsley, a British subject detained while handing out pro-democracy leaflets — an act that accorded with international norms governing freedom of expression — had been arbitrarily detained and it called upon the authorities to remedy the situation. Mr. Mawdsley had subsequently been released and sent back to the United Kingdom.

21. The report covered the situation of human rights, insofar as it affected not only civil and political rights, but also economic, social and cultural rights. There had been a policy of large-scale forced relocation in ethnic areas, depriving the rural population of their land and, consequently, of their means of subsistence; it had been accompanied by forced labour, inhuman treatment and other graver violations of human rights. When the population were still able to farm, they were forced to sell their rice to the authorities under a quota system and at very low prices. The situation of food scarcity had been well-documented by the Asian Human Rights Commission (AHRC) in "The People's Tribunal on Food Scarcity and Militarisation in Burma, October 1999".

22. As indicated in paragraphs 39-44 of the report, the International Labour Conference had adopted a resolution in June 2000, in view of Myanmar's persistent failure to comply with the ILO Forced Labour Convention (No. 29). The resolution was scheduled to take effect on 30 November 2000, unless concrete measures had been taken to end forced labour.

23. The human rights situation in Myanmar had still shown no improvement. It would change only if the authorities engaged in a genuine political dialogue instead of repressive solutions to what was essentially a political problem, which adversely affected not only the inhabitants of that country but also those of neighbouring countries.

24. **Mr. Kyaw Win** (Myanmar) said that Myanmar had dissociated itself from the resolution of the Commission on Human Rights to appoint a special rapporteur, because the resolution was not in keeping with the relatively balanced report of 1990 of the Commission's independent expert, Sadako Ogata, whose methodical and knowledgeable approach had been appreciated and respected. A special rapporteur should have a particular knowledge of the country in question. However, the Special Rapporteur on the situation of human rights in Myanmar appeared to lack such expertise, and Myanmar considered his report to be very biased, lacking in documentary evidence and independent confirmation.

25. The content of the report appeared to be mainly repetitions from previous years, which had been drawn from allegations made by elements opposing the ruling party who were endeavouring to save the Karen National Union (KNU) from extinction. Ninety per cent of armed insurgents, including many factions of the KNU, had already responded to the Government's offer of "peace-in-exchange-for-arms" programmes. Several KNU leaders, along with their followers, had been properly resettled within the Kayin (Karen) state under government rehabilitation programmes and that had accelerated the propaganda war against the authorities. The Special Rapporteur had become an instrument of such propaganda and an impediment to the peace process, since he had extrapolated events occurring in a small strip of jungle along the Thai border to be representative of the situation throughout the country. Consequently, despite its high regard for the United Nations, Myanmar continued to be unable to allow the Special Rapporteur to visit the country.

26. It was worth noting that over the past five years, Myanmar's overall position on the human development index of the United Nations Development Programme (UNDP) had risen progressively, despite economic and other restrictions imposed on the country. It had been

the hope of those opposed to the authorities and their foreign supporters that, under sanctions, the people of Myanmar would become so intolerably poor that they would eventually rise up and overthrow the Government.

27. With regard to political freedom, Myanmar was a country in political transition from a one-party to a multiparty system and the Government had officially sanctioned 10 political parties. As to the allegation that people had been held incommunicado and imprisoned without trial, it was simply untrue. For example, James Mawdsley had never been arbitrarily detained, but rather convicted on three occasions; neither had he been beaten or tortured.

28. The Government found it difficult to deal with the NLD, mainly represented by its general secretary, who was backed by the West, particularly when she supported sanctions for her own country and failed to condemn armed insurgents. Myanmar had problems, but strongly believed that supporting a separatist insurgency or granting power to a politician who had lived abroad for many years was not in its best interests. It realized that its firm stand in support of its principles might bring it into conflict with some powerful countries which wanted to install in Myanmar a government that they could influence, but fortunately neighbouring countries were favourable to the current regime. The objectives of the Special Rapporteur should be to promote a peace process that was already in motion rather than prolonging conflict by undue interference.

Introductory statement under item 114 (b)

29. **Mr. Ndiaye** (Director, New York Office, United Nations High Commissioner for Human Rights) said that a number of matters of central importance to the human rights programme were being considered in the reports submitted under item 114 (b). He wished to introduce some of the reports, including those highlighting the fundamental importance of including poverty alleviation in the Office's work on the right to development and globalization.

30. The High Commissioner's report on the right to development (A/55/302) referred to a rights-based approach to alleviating poverty, and it was increasingly recognized that poverty was both a cause and an effect of human rights violations.

31. The conclusions of the Secretary-General's report on globalization and its impact on the full enjoyment of human rights (A/55/342, paras. 46-50) referred to poverty and commented that globalization offered opportunities and hopes through economic growth, increased wealth and greater interconnection between peoples and cultures. It also stated that the potential of globalization needed to be harnessed as a means of alleviating poverty throughout the world.

32. The Secretary General's report on human rights and cultural diversity (A/55/296 and Add.1) highlighted the need to emphasize the common core values shared by all cultures (para. 60), and noted that human dignity and the right to life, freedom from want, freedom from fear and protection of human rights through the rule of law were basic values and human rights principles.

33. The Secretary-General's report concerning protection of migrants (A/55/275 and Add.1) focused on the work of the Special Rapporteur on the human rights of migrants since her appointment in 1999, in particular her recent visits to Canada and Mexico. It also contained information (para. 14) on an expert seminar on migrant workers and trafficking of persons, organized by the Office and held in Bangkok in September 2000.

34. The High Commissioner's report on human rights education (A/55/360) emphasized the urgency of filling the enormous gap between the commitments made in the context of the United Nations Decade for Human Rights Education (1995-2004), and the resources actually committed if the remaining years of the Decade were to leave a firm foundation of achievement on which to build.

35. Lastly, with regard to the Secretary General's report on regional arrangements for the promotion and protection of human rights (A/55/279), the High Commissioner was determined to develop the Office's support for regional and subregional human rights cooperation, and was emphasizing regional strategies in the preparations for the World Conference against racism.

36. **Sir Nigel Rodley** (Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment), presenting his interim report (A/55/290), and referring first to gender-specific forms of torture (paras. 5-9), welcomed the adoption of the

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in October 1999.

37. Since the drafting of the report, 10 countries had ratified the Optional Protocol, which meant that it would enter into force on 22 December 2000. He also recalled that, in its general recommendation No. 19, the Committee on the Elimination of Discrimination against Women had enumerated the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment among those rights impaired or nullified by gender-based violence under international law and constituting discrimination within the meaning of the Convention.

38. The report drew attention to the treatment of children in non-penal institutions, and also their torture as a result of armed-conflict situations (paras. 10-15). He encouraged States to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in May 2000. He also mentioned his participation, since the drafting of the report, in a discussion held under the auspices of the Committee on the Rights of the Child in September 2000, and said he was confident that the recommendations recently adopted by that Committee would contribute to better protection of children.

39. On the question of torture and human rights defenders (paras. 16-23), he welcomed the recent appointment of a Special Representative of the Secretary-General on human rights defenders in accordance with a resolution adopted by the Commission on Human Rights at its latest session. Aside from the traditional forms of repression of human rights, a large number of communications he had received concerned systematic harassment of human rights defenders and their associates, aimed at preventing them from undertaking human rights activities. He had intervened on several occasions on behalf of human rights defenders who had been at risk of or subjected to torture, or who — while not directly at risk — had been prevented by various means from providing assistance to torture victims.

40. Referring to the issue of reparation for victims of torture (paras. 24-33), he recalled that the commemoration of the United Nations International Day in Support of Victims of Torture in June 2000 had promoted reparation. In the annex to his final report (E/CN.4/2000/62), the independent expert of the Commission on Human Rights on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms had incorporated the basic principles and guidelines on the right to a remedy and reparation for victims of violations of international and humanitarian law. The victim's right to reparation (para. 26) encompassed adequate, effective and prompt reparation proportional to the gravity of the violation and the harm suffered. States had been urged (para. 29) to provide for fair and adequate reparation, including compensation and rehabilitation of the victims of torture, in their domestic law. Moreover, the prevalence of impunity was incompatible with full reparation (para. 31). In particular, he noted with concern the use of measures by States to limit legal liability such as the adoption of acts of indemnities or the granting of amnesties.

41. Turning to the issue of torture and poverty (paras. 34-37), he acknowledged that many of the high-profile cases of torture concerned people involved in political activities. However, he had observed that the overwhelming majority of persons subjected to torture and ill-treatment were common criminal suspects from the lowest strata of society. They lacked the financial and other means to gain access to adequate legal protection and were often in an underclass which also lacked the opportunity of leading a decent life as productive citizens. Moreover, he had also noted that law-enforcement officials were largely underpaid, undertrained and housed in conditions calculated to erode any sympathy they might have for their charges. He had undertaken fact-finding visits to Azerbaijan and Brazil in recent months and noted with regret that his requests for invitations to visit Algeria, Bahrain, China, Egypt, India, Indonesia and Tunisia had not been complied with.

42. **Mr. Reyes Rodriguez** (Cuba) commended the Special Rapporteur for his report, which was a true and analytical representation of the situation. One improvement over earlier reports had been its analysis of the relationship between torture and poverty. Previous reports had lacked quantitative aspects precisely linked to the consequences of poverty. He hoped that, in future reports, the Special Rapporteur would address the impact of international sanctions, which amounted to cruel, inhuman or degrading treatment.

43. **Mr. Yu Wenzhe** (China) said that his Government had issued a long-standing invitation to the Special Rapporteur to visit China. His Government wished to promote cooperation and an exchange of views, and he hoped that the Special Rapporteur and the Chinese authorities could meet on an equal footing and in the spirit of mutual respect. He expressed the further hope that consensus could be achieved between the parties so that a visit could be realized.

44. **Ms. Grambye** (Denmark) asked whether the Special Rapporteur had observed a tendency towards the increased use of intimidation or threats as means of torture or inhuman treatment, and whether any of the vulnerable groups, such as women, children or human rights defenders, had been specifically targeted. In addition, she asked the Special Rapporteur for further details on the Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment, also known as the Istanbul Protocol (para. 22).

45. **Mr. Salman** (Iraq) affirmed that the economic sanctions imposed on Iraq constituted an example of cruel, inhuman and degrading treatment and of violence against men, women and children who had sustained considerable material and physical suffering. He invited the Special Rapporteur to reflect that situation in his future reports to the Commission on Human Rights and the General Assembly.

46. **Sir Nigel Rodley** (Special Rapporteur of the Commission on Human Rights) commenting on the relationship between torture and poverty, said that the report did not necessarily state that torture was a consequence of poverty, as such an interpretation would ignore the responsibility of States to protect their own citizens. He also acknowledged that China had issued a long-standing invitation for him to visit on a fact-finding mission. Unfortunately the terms of that invitation were not compatible with the format of his usual missions, which were based on standard terms of reference. He therefore expressed the hope that the nature of the invitation would be altered to facilitate a visit to China, in the spirit of mutual respect.

47. With regard to the questions raised by the representative of Denmark, he said he could not in all certainty say that there had been an increased tendency in the use of intimidation and threats. Pain or suffering, the hallmarks of torture, could be physical or mental, as defined in the Convention against Torture. Ultimately, physical forms of torture were intended to have a mental effect, namely the breakdown of the victim's will. The goal of torture was to secure information or confessions by the quickest possible means, and if verbal threats sufficed, those were the means employed. Such threats would constitute torture within the meaning of the Convention and of the 1975 Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

48. While he did not have quantitative data on vulnerable groups, he could affirm that, by definition, such groups would be more likely to succumb to intimidation and threats. The Istanbul Protocol had arisen out of the need to develop guidelines on the investigation of incidents of torture, and it was hoped that the Protocol would prove a useful guide to Governments.

49. Lastly, he pointed out that he had taken due note of the comments made by two delegations on the issue of sanctions.

50. **Mrs. Keita-Bocoum** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi), introducing her report (A/55/358) and referring to the general situation (paras. 9-37), noted that the resumption of the Arusha negotiations mediated by the former President of South Africa, Nelson Mandela, had been followed by a reduction in violence in some provinces, a halt in the population regroupment policy and the beginning of the dismantling of the camps. Nevertheless, the situation had remained very tense despite the relative calm in the capital and some provinces. Despite the lifting of the embargo, the economy had not recovered; and poverty had deepened in recent months despite government efforts to combat corruption, fraud and embezzlement (para. 31). The resumption of cooperation had been made largely conditional on the signing of the peace agreements. The disastrous effects of the war had been compounded by the protracted drought.

51. As to the human rights situation (paras. 35-101), there had been no change since October 1999. However, with regard to the legal system, the situation had improved somewhat as a result of the introduction of reforms, including the implementation of the new Code of Criminal Procedure. The main human rights violations (para. 39) were those which contravened the

right to life, physical integrity, personal freedom and security, the freedom to choose one's residence, freedom of expression as well as violations of social and economic rights. Violations of the right to life (para. 40) took the form of attacks by known and unknown agents of the State against civilians living in the camps for displaced or regrouped persons. Cases of torture and ill-treatment by the police (paras. 55-57) were still being recorded, and cases of rape had been reported (para. 58), particularly in the stricken areas. Freedom of opinion and expression had been violated by the public authorities (para. 64), which had frequently prevented the holding of meetings, particularly of opponents of the Arusha process.

52. Progress in the justice system and the provision of better conditions during detention in some prisons had been noted in paragraphs 75-82. However, a number of irregularities persisted.

53. In paragraphs 83-89, she had also highlighted the enormous economic hardship which had aggravated the deterioration in the living conditions. Another main area of concern was the status of women (paras. 90-101), which had been affected by poverty, war and heavy social and economic burdens. She reiterated her recommendations, set out in paragraphs 113 to 140, to the parties to the conflict, to the Burundian authorities and to the international community.

54. Since the end of her mission in July 2000, some major areas of concern had eased with the signing of the peace accords in August 2000. However, two rebel groups remained outside the peace process and radical pro-Tutsi parties within the Framework Agreement remained opposed to the Arusha negotiations, leading a series of actions aimed at turning the population against the Government. The hopes placed on the September meeting in Nairobi with a view to a ceasefire had been dashed, and many civilians were being killed on a daily basis. Since the end of July, observers had reported a significant deterioration in the human rights situation following a resurgence of violence. The rate of arbitrary detentions had also risen and the forces of order had been carrying out arbitrary executions. The continued confrontation despite the signing of a peace agreement was inadmissible, and she urged the international community to do its utmost to obtain an early ceasefire agreement without which all efforts to ease the suffering of the people of Burundi will have been in vain.

55. **Mr. Nteturuye** (Burundi) expressed his gratitude to the Special Rapporteur for the sympathy she displayed in her report towards the people of Burundi, who had suffered untold hardships during the long war. The outbreak of the gravest crisis in the history of his country had led to such violence and acts of hatred and vengeance that it was difficult to find any elements in the area of human rights of which his country could be proud.

56. International assistance to Burundi to assist with recovery efforts would be the best remedy to improve the situation of human rights. National reconstruction and development would enhance living conditions in rural areas and provide new access to schools and medical services. As the Special Rapporteur had stressed, economic and social conditions greatly influenced the situation of human rights in Burundi. The signing of the peace accords provided some hope for reconciliation, and a most effective appeal had been launched by Nelson Mandela before the Security Council in September, calling on the rebels to engage in negotiations and to announce a ceasefire in order to put an end to the massacre of innocent civilians.

57. Mr. Mandela had appealed to the rebels to prove that they were not the agents of foreign forces seeking the extermination of the Tutsi community, whether in Burundi or elsewhere.

58. The Government of Burundi was grateful to the United Nations, and to individual States and international organizations for seeking to convince the rebels and their backers to bring an end to the violence. The international development assistance which Burundi was expecting to receive would help those who sought a true and lasting peace for Burundi.

59. Human rights violations should be condemned regardless of the perpetrator. The Government spared no effort to punish and deter acts of violence against civilians. However, its task was complicated by the fact that rebels often used the civilian population as a human shield, leading to confusion over the identity of victims during clashes with the army. There was no way of ascertaining whether a victim had been an innocent civilian. The Special Rapporteur needed to take special care with the sources he used when reporting on such cases.

60. Burundi had clearly denounced militia groups, and was working to improve prison conditions despite severe overcrowding. Although in July it had

dismantled the last of its camps, thousands of Burundians remained too frightened to return to their homes.

61. Tangible progress had been made in reforming Burundi's judicial system. A new Penal Code had been introduced; the Government had taken measures to increase the number of itinerant judges as a way of reducing the growing backlog of cases; and efforts were being made to accelerate the investigation and trial process. In order to reduce overcrowding, prisoners found guilty of lesser offences were progressively being released, while others were being paroled. Some 1,300 detainees had been released between January and September 2000, out of a total of over 8,000.

62. With regard to the status of women, equality between men and women was guaranteed under Burundi's domestic laws. A multidisciplinary commission was currently examining the issue of succession and marital-property regimes.

63. Overall, the Government of Burundi was doing its best to address the human rights problems caused mainly by the war. The newly established Commission on Human Rights was another step in the right direction. Ultimately, however, the war had to end if national reconstruction and the restoration of economic and social rights were to be achieved.

General discussion of subitems 114 (b), (c), (d) and (e)

64. **Mr. Hénault** (France), speaking on behalf of the European Union, and the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that the European Union had chosen 2000 as the year to draw the Assembly's attention to certain human rights trends and developments, following its statement on the subject to the Commission on Human Rights in March 2000. It wished to reserve the expression of its serious concern on the human rights situation in the Democratic Republic of the Congo, the Sudan, Iraq and the Islamic Republic of Iran for the introduction at a later stage of draft resolutions that the European Union had decided to submit. The situation in Burma would also be addressed at another juncture.

65. The adoption of a developments-based approach was based on the belief that it was essential not only to prevent and curb deterioration, but also to support positive trends. The enjoyment of human rights and promotion of the rule of law and of democracy were permanent challenges for all societies. They were the fruit of processes which were neither instantaneous nor ever complete. The European Union wished to contribute by all means at its disposal, including through its development policy, while taking care to promote the rights of individuals. The defence of human rights, the preservation of peace and the strengthening of international security lay at the heart of the European Union's foreign policy. Human rights and fundamental freedoms were the pillars of Europe and a priority for European Union Governments and those on their way to becoming members. In that regard, a Charter of Fundamental Rights of the European Union would be declared at the end of 2000.

66. Regrettably, serious human rights deficiencies persisted in many countries where no significant progress had been noted in recent months. Such was the case in China, with which the European Union was carrying on a human rights dialogue from which it expected concrete results. The extensive use in China of the death penalty and serious breaches of fundamental freedoms, including against members of national minorities, particularly in Tibet, were deplorable and had been denounced by the General Affairs Council in March 2000. The same deficiencies were found in countries whose institutions eschewed pluralism and where the expression of opposition or dissidence was systematically repressed. That applied to the Democratic People's Republic of Korea, the Lao People's Democratic Republic and the Syrian Arab Republic. The European Union hoped that the former's rapprochement with its southern counterpart would facilitate progress on rights and freedoms. As for Cuba, the authorities also needed to make progress on civil and political rights. The human rights environment in Pakistan remained a matter for grave concern, as did the situation in Chad. In Rwanda and Uganda, despite some progress on specific points, the general human rights situation was also worrying. The European Union encouraged both those countries to renew their efforts to end the ongoing violations.

67. The fact that the European Union would not at the present juncture go into detail about the situation in the countries mentioned did not imply a less vigorous condemnation of the violations perpetrated therein or that the European Union was resigned to eliminating them. It would simply refer to its March 2000

statement, and repeat its urgent appeal for full respect for universal human rights in the countries concerned.

68. The European Union supported the particular attention of the High Commissioner for Human Rights to situations where civilian populations were or had been victims of serious and large-scale atrocities during clashes as, for example, in Sierra Leone, East Timor and Chechnya.

69. The European Union was gravely concerned by the situation in Sierra Leone, by the violations of the Lomé Peace Accord by the Revolutionary United Front and by the continued atrocities by that group and other rebels. The High Commissioner should continue to support the authorities of those countries in strengthening human rights. The European Union would support the Sierra Leone authorities and the United Nations in setting up a special court and judicial system guaranteeing respect for human rights. It also stressed the importance of rehabilitating child soldiers.

70. In East Timor, the European Union was relying on the Indonesian Government to honour its commitments by pursuing and bringing to justice the perpetrators of the atrocities committed in 1999. It welcomed the assistance provided by the Office of the High Commissioner for Human Rights in that regard. All persons suspected of involvement in the murder of the three officials of that Office in Atambua should be swiftly brought to justice. The arrest of militia chiefs and persons suspected of involvement in those events was welcome. The Indonesian authorities should do more to disarm and dissolve the militias and rapidly resolve the refugee issue as a matter of urgency. The activities of the militias and the refugee situation in West Timor could have very serious repercussions for the political development of East Timor.

71. The European Union remained concerned about the situation in Chechnya and regretted that the Russian Federation had only partly responded to the demands of the Commission on Human Rights. It noted, however, that the International Committee of the Red Cross had access to the detention centres, and that a Russian Government special representative for human rights was currently based in Chechnya, with the support of the Council of Europe. Russia should hold an independent inquiry without delay and in accordance with international standards into the atrocities committed by all parties to the conflict. It should guarantee access to the High Commissioner for Human Rights and to the special rapporteurs of the Commission on Human Rights who requested it. The Russian Federation should also institute effective judicial proceedings against perpetrators of atrocities and should increase its efforts to provide humanitarian aid and ensure that it arrived. The European Union also attached great importance to the swift return of the Assistance Group of the Organization for Security and Cooperation in Europe. Only a political solution could end the conflict and ensure the security and rights of all.

72. Civilian populations continued to suffer serious violations of their rights because of unresolved conflicts in other regions. The European Union hoped that political solutions, fully integrating the human rights dimension, could be found for those conflicts.

73. The European Union unreservedly condemned the serious incidents that had taken place in the occupied Palestinian territory during the recent crisis, and rejected the extremist provocations which stirred up hatred and threatened peace in the region. It called for an immediate halt to the violence in the occupied Palestinian territory and called on the parties to demonstrate the sense of responsibility they had shown at Sharm el-Sheikh and restart the peace process.

74. In Afghanistan, civilians continued to be the targets of atrocities, such as forced displacements and the destruction of their means of subsistence. The problem of anti-personnel mines continued to worsen. Other serious breaches of human rights included the use of torture, the abuse of the death penalty, summary justice, discrimination against women and the use of child soldiers by both sides in the conflict. Such violations were unacceptable and must stop.

75. The European Union called on the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka to end their terrorist activities, stop recruiting children and seek a negotiated settlement. Those responsible for human rights violations must be brought to justice, and the Government should lift the restrictions imposed on the media under the emergency measures. The generally democratic nature of the elections in October 2000 was a welcome sign.

76. In Jammu and Kashmir, civilians continued to be caught up in terrorist incursions and repression by the security forces.

77. In Indonesia, the authorities should act quickly to end the current violence in the Moluccas.

78. The human rights situation in Angola still gave cause for concern, despite the efforts of the Government. He called for an end to summary executions, forced recruitment, the laying of mines and the diversion of humanitarian aid, mainly carried out by the União Nacional para a Independência Total de Angola (UNITA). The Government should also fully assume its responsibility for protecting displaced persons in the areas under its administration.

79. The European Union condemned the attacks on civilians in Burundi, and urged the rebel groups to join the peace negotiations without delay or preconditions. It hoped that those seeking refuge in resettlement camps would soon be able to return home and that the gradual resumption of international aid would bring some relief to the civilian population.

80. The European Union hoped that the recent progress in the peace process would help put an end to the suffering of the people in Somalia.

81. It welcomed the resumption of indirect peace talks between Eritrea and Ethiopia, but regretted the expulsion of tens of thousands of people to their country of origin over the past two years and the detention or ill-treatment many of them had suffered.

82. It condemned the recent armed incursions from neighbouring countries into Guinea and encouraged the Government of Guinea to continue to protect the many refugees it had long accommodated. Guinea should return to calm and resume political dialogue before the elections set for November 2000.

83. The humanitarian and human rights situation in Colombia had deteriorated with civilians, especially human rights defenders, paying an unacceptable price in the conflict. The Union supported the work of the Office of the United Nations High Commissioner for Human Rights in Bogota and all efforts to achieve peace.

84. The status quo in Cyprus remained unacceptable; the European Union supported all United Nations efforts to achieve full respect for human rights and fundamental freedoms for all Cypriots.

85. In any conflict situation, once peace was established the path to reconciliation, which must be based on respect for individuals' rights, could be a long one. The situation in Bosnia and Herzegovina showed how difficult it could be to achieve reconciliation and how important it was to set up neutral institutions and fight impunity. He denounced all ethnic and political violence in Kosovo and stressed the importance of the current local government elections in enabling democracy and tolerance to take root. In the Congo, the improvement in the human rights situation must be consolidated by introducing democracy and the rule of law; a full investigation into the question of missing persons was also needed. In Guatemala, the peace agreements and recommendations contained in the report of the Commission for Historical Clarification must be implemented and everything possible done to ensure that the murderers of Monsignor Gerardi were brought to justice and to put an end to violence against human rights defenders.

86. There had recently been some hopeful signs of progress on human rights issues. Greater consideration was being given to the role and safety of human rights defenders by the United Nations and a number of countries. The visit of several international human rights non-governmental organizations to Algeria and their reception there was a welcome development. Progress had also been made, particularly at the Millennium Summit, in the signing and ratification of international human rights instruments. The signing of the International Covenants by Turkey was a welcome step, although more must be done to ensure full respect for the human rights of persons belonging to minorities in that country.

87. However, the picture was rather mixed as far as cooperation with United Nations mechanisms was concerned. On the one hand, some countries stubbornly refused to receive special rapporteurs or representatives of the Commission on Human Rights. On the other, countries such as Saudi Arabia had declared their readiness to receive special rapporteurs for the first time, and it was to be hoped that such declarations would be translated into real progress in the field of human rights. Urgent improvements were necessary in the human rights situation in Saudi Arabia, where there were a number of restrictions on fundamental freedoms and a lack of transparency and minimum guarantees in criminal trials.

88. There had been some remarkable developments in the fight against impunity in recent months, notably the historic decision of the Supreme Court of Chile to lift General Pinochet's immunity. The European Union

called for the prompt ratification of the Rome Statute of the International Criminal Court, and stressed that its integrity should be preserved. He welcomed the adoption by consensus of the Court's rules of procedure and evidence and of the elements of crimes. The Union welcomed the agreement between the Government of Cambodia and the United Nations on bringing the Khmer Rouge leaders to justice and called on the Cambodian authorities to continue their efforts to build a society based on the rule of law and full respect for human rights.

89. The European Union welcomed the steps taken by certain countries towards the abolition of the death penalty, but was disturbed to note that the minimum standards relating to its application were not respected in a number of countries, particularly in the case of persons who had been minors when the crime had been committed and those suffering from mental disorders. Everyone charged with a crime incurring the death penalty must have access to appropriate legal assistance.

90. There had been a further spread of democracy in recent months, including in the Federal Republic of Yugoslavia. The European Union had lifted the economic sanctions imposed on the country during the Milošević regime and was committed to consolidating democracy and rebuilding the country. Democracy was also being strengthened in Nigeria, although religious discrimination in northern states was a cause for concern, and in Mexico, although the Mexican Government must commit itself fully to eliminating the violence committed by the security forces and ending discrimination against indigenous people.

91. Progress on human rights issues and democratization was not, however, irreversible. The European Union had condemned the hostage-taking and violence leading to the overthrow of the democratically elected Government in Fiji. The Union called for a return to constitutional order in Fiji, as well as in Solomon Islands and Côte d'Ivoire. In Peru, elections had taken place earlier in the year in unsatisfactory conditions. The Peruvian authorities should do everything necessary to consolidate the rule of law and implement quickly the recommendations of the high-level mission from the Organization of American States.

92. It was regrettable that the democratically expressed wishes of the people of Haiti in the first round of the parliamentary elections had not been respected; the provisional electoral council must be reformed and the presidential election held in free and fair conditions. In Equatorial Guinea, the conditions in which the latest local elections had been held were also a source of concern; the Government should set up a truly democratic system, guaranteeing, in particular, freedom of expression, and should resume its cooperation with the Special Representative of the Commission on Human Rights to monitor the situation of human rights in Equatorial Guinea. In Zimbabwe, the events leading up to the parliamentary elections in June 2000 were deeply disturbing; although the ballot itself had been conducted peacefully, the electoral campaign had been marked by violence, intimidation and procedural irregularities. The weak political dialogue and harassment of opposition parties were also a cause for concern.

93. The progress of democratization was slow in a number of countries, such as Belarus, where the authorities had not kept their promises to ensure free and transparent parliamentary elections, the opposition found it difficult to play its role and there was silence on the question of missing persons.

94. The human rights situation in Central Asia had grown worse; there was no democratic system in Turkmenistan, arbitrary detention and trials took place in Uzbekistan, and human rights and the rules of the democratic process in relation to the opposition and the press were flouted in Kazakhstan and Kyrgyzstan.

95. Progress in the field of human rights and freedoms was fragile; constant vigilance and a greater capacity to support positive developments were needed in order to consolidate it.

96. **Mr. Ka** (Senegal) said that the recent developments in Côte d'Ivoire showed how the peoples of Africa were determined to decide their own future, and strengthened his own country's determination to ensure full respect for all human rights and to continue strengthening its democracy.

97. Senegal strongly believed that human rights were universal; national customs could not be used as a pretext for violating them. It was time to end the split between the countries of the North, which always emphasized civil and political rights, and those of the South, which always insisted on economic, social and cultural rights and the right to development. A balanced approach was needed that attached equal

importance to all human rights. The representative of the European Union had rightly drawn attention to human rights violations around the world, but should not ignore the particular circumstances of individual countries.

98. As mentioned in the report of the United Nations High Commissioner for Human Rights (A/55/36), the universal implementation of economic, social and cultural rights as well as civil and political rights was the surest preventive strategy. He supported the High Commissioner's decision to draw up a list of eminent persons who could be called on to offer their good offices to help defuse situations where gross violations of human rights appeared imminent, and to make provisions for the rapid dispatch of observers or fact-finders in situations of need. He also welcomed the greater attention being paid to the protection of human rights defenders, and welcomed the appointment of a special representative of the Secretary-General on the topic.

99. In Senegal, peaceful and democratic elections had been held in March 2000, a human rights office had been set up, plans had been made to involve women and children more closely in decision-making at all levels, and judicial and political reforms had been undertaken to combat corruption and to ensure good governance, all of which showed his Government's commitment to the protection of human rights and to the rule of law.

100. He commended the High Commissioner for Human Rights for the excellent preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and said that his Government would do everything possible to ensure that it led to pragmatic and action-oriented results.

101. **Mr. Mun Jong Chol** (Democratic People's Republic of Korea) said that international human rights norms were a reflection of the will of the international community to protect and promote human rights in all their aspects. However, political rights continued to be emphasized at the expense of economic and other rights. As a result, "humanitarian intervention" carried out under the pretext of protecting human rights led to the deaths of people in the targeted countries and generated refugees and displaced persons and further human rights violations. One of the primary tasks of the Third Committee was to correct that bias.

102. If a peaceful and prosperous world was to be built, the principle of fairness must be observed in the interpretation and implementation of international human rights standards. As much attention must be paid to economic, social and cultural rights as to civil and political rights. Moreover, Governments should not meddle in human rights issues in other countries, and "humanitarian intervention" that put human rights above State sovereignty should be rejected. Such intervention was an infringement on the sovereignty of other countries and a gross violation of the Charter of the United Nations and international law. There was also a need to strengthen the role of United Nations human rights mechanisms and ensure they were carried out with absolute impartiality. Respect for human rights could not be improved as long as double standards were applied in addressing human rights matters.

103. The policies of his Government had always been designed to guarantee the genuine democratic rights and freedoms of its people. As a result, people in his country enjoyed all their political, economic and other rights as a matter of law and as a matter of practice. The worldwide protection and promotion of human rights must be based on the principles of respect for State sovereignty, non-interference in the internal affairs of other countries, equality and mutual benefit.

104. **Mr. Shen Guofang** (China) said that the best way to maintain peace and security and to promote and protect the human rights of all people was through dialogue and cooperation on a basis of prosperity and development, while respecting the principle of State sovereignty. The principles of sovereign equality and respect for human rights had been laid down in the Charter, but during the cold-war era, human rights had become a tool for political confrontation and interference in other countries' internal affairs. A few countries still had that mentality and practised double standards in the field of human rights, which was not conducive to cooperation. As President Jiang Zemin had pointed out at the recent Millennium Summit, dialogue and cooperation were the most effective way to protect and promote human rights. As countries varied in terms of their history, culture, social system and level of development, the ways in which they promoted and protected human rights were, naturally, also different. However, those differences should not be used as a basis for evaluating their performance on human rights, especially when the accusers ignored

violations in their own countries. Progress could only be made through mutual cooperation and dialogue on an equal footing.

105. The realization of economic, social and cultural rights was a matter of great urgency but, in the developing countries, poverty and external debt resulting from an unjust world economic order had become major obstacles to achieving that. The international community must make the reduction and eradication of poverty a high priority. It was to be hoped that the emerging consensus on the equal importance of economic and other rights would be translated into real action as soon as possible.

106. The international community must take practical steps to realize the right to development. The unreserved commitment at the Millennium Summit to reduce extreme poverty and ensure the right to development for all and the recent in-depth discussions of the Working Group on the Right to Development were positive signs in that regard.

107. His Government attached great importance to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He was sure it would have a major long-term impact on the promotion and protection of human rights in the new century and his Government would be working hard to make it a success.

108. In the past year, the protection and promotion of human rights in his country had reached new heights, thanks to its rapid economic growth, social stability, higher living standards and continued adherence to democracy and the rule of law.

109. With regard to the irresponsible comments made by the representative of France on the dialogue between the European Union and China, it was acknowledged by all neutral observers that the human rights situation in Tibet had greatly improved. Everyone in China, including the people of Tibet, enjoyed all their human rights. Nevertheless, the dialogue with the European Union was important and should be pursued with a view to achieving positive results.

The meeting rose at 1.10 p.m.